

**REMARKS**

The above-referenced application was filed on January 9, 2004, with a total of twenty-five claims. In the outstanding office action, claims 1-25 were rejected under 35 U.S.C. §102(b) as anticipated by Kono (U.S. Patent Application No. 2002/0130469). By way of this amendment, claims 18, 19 and 21 are amended, and claim 20 is canceled. Accordingly, claims 1-25 remain pending and at issue. Reconsideration and allowance of all claims are requested in light of the above amendments and following remarks.

**I. The 35 U.S.C. §102 Rejections Are Overcome**

The Applicant respectfully submits that Kono fails to disclose each and every element of independent claims 1, 9, 18, 25 and those claims dependent thereon. Accordingly, the Applicant respectfully submits that the Kono reference fails to anticipate these claims.<sup>1</sup>

Independent claims 1, 9, and 25 specify, *inter alia*, a plurality of fasteners, a back plate and a side plate, the fasteners engaging only a perimeter of the back plate. While the Kono reference discloses a back plate portion 6, a retaining plate portion 10, and a fastener 15, Kono fails to disclose, teach, or suggest a plurality of fasteners, a back plate and a side plate, wherein the fasteners engage only a perimeter of the back plate.

Kono, conversely, discloses the use of “counterbores 18 and mounting threaded-holes 17 for mounting the flat-headed screws 15A acting as the coupling means 15 are formed at positions corresponding to the mounting holes 16.” (See ¶0047). Such an arrangement requires a machining operation on both the back plate and the retaining plate. The machining operation requires tolerancing requirements sufficient to allow the mounting hole 16 of the back plate portion 6 to align with the mounting threading holes 17 of the retaining plate portion 10. Kono requires further machining operations to accommodate the counterbores 18 for the retaining plate portion 10.

As stated in the pending application at, for example, ¶0031, this is just the type of brush seal upon which the pending application improves. The perimeter of the back plate of the pending disclosure allows the fastener heads to secure the back plate to the side plate

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<sup>1</sup> “Anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention.” *Rockwell Int’l Corp. v. United States*, 47 U.S.P.Q.2d 1027 (Fed. Cir. 1998)

without additional machining operations. Rather than requiring a machining operation to create a hole in the back plate, with an additional machining operation to create a countersink, the present disclosure avoids such operations, in part, with fasteners engaging a perimeter of a back plate. The claimed subject matter further reduces assembly time and tolerancing requirements for a brush seal by eliminating a need to align machined holes of the back plate with the retaining plate, as disclosed by Kono. In light of the foregoing, the Applicant respectfully submits that Kono does not anticipate independent claims 1, 9, and 25, or any claims dependent therefrom and that the rejection thereof should be withdrawn.

In much the same way, amended independent claim 18 specifies, *inter alia*, a modular brush seal having a side plate, a back plate, a bristle ring secured between the side plate and the back plate, and means for removably securing the side plate, back plate and bristle ring together, the means for removably securing **engaging only a perimeter of the back plate**. Again, the Kono reference fails to disclose a means for removably securing engaging only a perimeter of the back plate. Accordingly, the Kono reference cannot anticipate the rejected claims and the rejection thereof should be withdrawn.

In light of the foregoing, Applicant respectfully submits that Kono does not anticipate independent claims 1, 9, 25, or any claims dependent therefrom. Similarly, the Applicant submits that Kono also fails to anticipate amended independent claim 18, and those claims dependent therefrom. As such, the anticipation rejections should be withdrawn.

In conclusion, the Applicant respectfully submits that each of the pending claims is in condition for allowance and respectfully solicit the same. Should the Examiner have any questions, he is respectfully invited to telephone the undersigned.

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Respectfully submitted,

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